

REMARKS

The Office Action dated August 15, 2003, has been carefully considered. In the Office Action, most of the claims have been indicated to be allowed or allowable, however, claims 1-3 and 11 are rejected as obvious over Withers in view of Applicant's admitted prior art as set forth in the background section in view of Walt et al., U.S. Patent No. 4,604,255. The rejection is respectfully traversed.

As a preliminary matter, it should be noted that Walt et al. relates to molded bodies formed of at least partially of swelled clay material. Therefore, it seems to be a stretch that one skilled in the art of mogul machines for manufacturing starch molded products such as candy, the subject matter of the presently claimed invention, would look to the teachings of Walt et al. More importantly, even if one were to look to the asserted teachings referenced by the Patent Examiner at Col. 6, lns. 21-38, it is clear that Walt et al. does not teach the modification or suggestion proposed by the Patent Examiner. In particular, the Office Action states that "it would have been obvious to one of ordinary skill in the art to incorporate this teaching (of Walt et al.) into the method of Withers in order to prevent outflow or spillage of filler material". Ostensibly, the Patent Examiner is relying upon Walt et al. with respect to the teaching of "preventing outflow or spillage of the filler material". However, what Walt et al. teaches to prevent the outflow of filler material is the following: "The upper edge 25 of the mold box portion 20 is somewhat drawn in, in order to prevent outflow of the filler material 26 which is arranged between the blank and the sidewall of the mold box and forms a mold sidewall 29." Thus, to prevent outflow of material, Walt et al. teaches a drawn in upper edge 25 (see FIG. 4), not lowering the level of filler material below the top edge of a tray as claimed. Further, Walt et al. appears to work on a substantially different principal using the blowing in of hot gas (see Col. 6, ln. 35), and thus is related to a much substantially different operation. Accordingly, it is respectfully submitted that there is no teaching, suggestion or motivation for making the asserted combination.

Even further, it is not seen that any prior art teaches such a leveling operation as is claimed in claim 1 where it recites "leveling the starch in the tray to a level below the top edge". No such leveling operation appears in Walt et al., based upon Applicant's review of that reference, which would be similar to that conducted in mogul machines in manufacturing starch molded products such as candy. Indeed, in mogul machines, such a starch leveling operation establishes a relatively or generally flat surface (it would not appear that a relatively flat surface occurs for material 31(a) reference in FIG. 4 of Walt et al., but an

In re Appln. of Rob Klein
Application No. 09/871,828

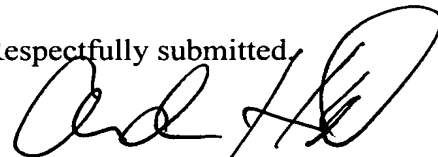
angled surface) for later starch printing operations whereby cavities are formed into the starch contained in the tray as is claimed.

Accordingly for the foregoing reasons, Applicant respectfully requests the obviousness rejections to be withdrawn and that a Notice of Allowance be issued. Considering that it is believed the present invention is a significant advancement in the relevant art, and further considering that we are on our second Office Action in the present patent application, the undersigned attorney would be more than happy to telephonically discuss the claims and any prior art references with the Patent Examiner if the Patent Examiner is of the belief that it may move the application toward patent issuance.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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